

Appl. No. 09/887,198
Amdt. dated July 19, 2004
Reply to final Office Action of May 18, 2004

REMARKS

This is in response to the final Office Action mailed May 18, 2004. The final Office Action rejected Applicants' Claims 13-17 and 25-27 as being anticipated by U.S. Pat. No. 6,438,561 ("Israni") and rejected Claims 1-12, 18-24 and 28 as obvious in view of the combination of Israni and U.S. Publication 2002/0023010 ("Rittmaster").

With this response, Applicants respectfully request reconsideration of Claims 1-28 in view of the following remarks. Applicants submit that Claims 1-28 are in condition for allowance.

Claim 13

Applicants' independent Claim 13 was rejected as being anticipated by Israni. The final Office Action contends that the geographic region, disclosed by Israni, itself is a zone as indicated that the traffic service is provided to and encompassed within the region. (See: Office Action, page 13). However, the Applicants respectfully point that Claim 13 recites "said advertising zone data indicate which of a plurality of advertising zones into which the geographic region is divided." Although Israni discloses the geographic region, Israni does not disclose the plurality of advertising zones into which the geographic region is divided.

Israni does not disclose the advertising zones into which the geographic region is divided. Rather, Israni discloses the geographic region 10, 212 in Figures 1, 2, 4 and 5 similar to the geographic region 100 described in the present application's specification at page 4, line 4 and Figures 1 and 7. Israni fails to mention the advertising zones.

Applicants respectfully clarify that Israni discloses the geographic region 212 in Figure 4 and that Figure 5 illustrates a portion 216 of the map 210 illustrating road segments 222 in the geographic region 212. (See: Israni: column 8, lines 22-26, 53-55 and 65-67). Applicants also respectfully point out that the location number 51(1) of Figure 3 is a unique number code that identifies a location on the road network according to the ALERT-C message format established in the RDS-TMC system. (See: Israni: column 5, lines 44-57). Additionally, the grid shown in Figures 1 and 2 represents the road network 12 in geographic region 10. (See: Israni: column 4, lines 14-15). Moreover, the dots shown in Figure 4 are not broadcasting equipment for broadcasting messages throughout the region; rather, the dots

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represent locations located within the geographic region. (*See*: Israni: column 8, lines 34-37). None of these items in Israni disclose or suggest the recited advertising zones.

Because Israni fails to disclose all of the limitations of Applicants' Claim 13, Israni does not anticipate this claim. Applicants respectfully request that the rejection of Claim 13 be withdrawn.

Claim 25

Applicants' independent Claim 25 was rejected as being anticipated by Israni. Claim 25 recites "a plurality of advertising zones into which the geographic region is divided." For similar reasons discussed above in conjunction with Claim 13, Israni does not disclose the advertising zones.

Because Israni fails to disclose all of the limitations of Applicants' Claim 25, Israni does not anticipate this claim. Applicants respectfully request that the rejection of Claim 25 be withdrawn.

Claims 1-12, 18-24 and 28

Applicants' Claims 1-12, 18-24 and 28 were rejected as obvious in view of the combination of Israni and Rittmaster. Applicants respectfully request the Examiner to withdraw this rejection because the Israni patent is not available as prior art to the present application for the purposes of 35 U.S.C. §103.

The American Inventors Protection Act of 1999 amended 35 U.S.C. §103 so that subject matter which is prior art under 35 U.S.C. §103 via §102(e) is now disqualified as prior art against a claimed invention if that subject matter and the claimed invention were, at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (*see*, MPEP 706.02(1)(1)).

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Applicants point out that the Israni patent and the present application, at the time the invention of the present application was made, were commonly owned. Therefore, due to the amendment of 35 U.S.C. §103(c), the Israni patent is not available as prior art against the claims of the present application. Accordingly, Applicants request that the rejection of Claims 1-12, 18-24 and 28 be withdrawn.

Claims 14-17 and 26-27

Applicants' dependent Claims 14-17 and 26-27 are allowable at least for the reason that they depend upon allowable base claims. In addition, these claims include features that are not disclosed by the cited references.

Conclusion

With the present response, all the issues in the final Office Action mailed May 18, 2004 have been addressed. Applicants submit that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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